

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

ANTHONY RUBEN ALDO BARBIERI,)
Plaintiff,)
vs.)
WYNN/LAS VEGAS,)
Defendant.)
)
Case No. 2:12-cv-00429-MMD-CWH
ORDER

This matter is before the Court on Plaintiff's Motion to Serve Wynn with Complaint #8, Amended Complaint #12, and Amended Complaint #13.

BACKGROUND

On March 14, 2012, Plaintiff filed an Application for Leave to Proceed *in Forma Pauperis* (#1). On November 8, 2012, the Court granted Plaintiff's Application to Proceed *in Forma Pauperis* and ordered the Clerk of the Court to file Plaintiff's Complaint. *See Order #7.* In addition, the Court ordered that the Complaint be dismissed without prejudice and granted Plaintiff thirty (30) days to file an amended complaint correcting the noted deficiencies. On December 17, 2012 and December 18, 2012, Plaintiff filed Amended Complaints #12-13, which the Court ordered dismissed without prejudice. *See Order #14.* Plaintiff was given thirty (30) days to file another amended complaint correcting the noted deficiencies. On January 15, 2013, Plaintiff filed his Fourth Amended Complaint (#16), which the Court ordered the Clerk of the Court to file. *See Order #17.* In the instant motion, Plaintiff requests that the Court allow him to serve Defendant with the prior complaints, which were dismissed.

DISCUSSION

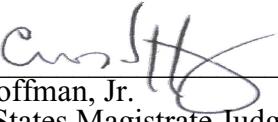
The finds that Plaintiff has failed to provide proper points and authorities in accordance with Local Rule 7-2 to grant the requested relief. The operative complaint in this case is the

1 Fourth Amended Complaint #16 that superseded the prior Complaints #1-1, #8, #12, #13, which
2 were all dismissed by this Court. If Plaintiff wishes to file a motion to amend the operative
3 complaint, then he should do so by the motion to amend the pleadings deadline of May 28, 2013.
4 See Order #27. However, his motion to serve prior complaints that have been dismissed is not
5 supported by any authority and the Court will deny his request.

6 Based on the foregoing and good cause appearing therefore,

7 **IT IS HEREBY ORDERED** that Plaintiff's Motion to Serve Wynn with Complaint #8,
8 Amended Complaint #12, and Amended Complaint #13 is **denied**.

9 DATED this 1st day of May, 2013.

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12 C.W. Hoffman, Jr.
13 United States Magistrate Judge

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